

Regular Session, 2009

HOUSE BILL NO. 869

BY REPRESENTATIVES TUCKER, ARMES, BALDONE, BARRAS, BROSSETT,
BURFORD, TIMBURNS, CHANEY, CROMER, DOWNS, HARRISON, HENRY,
HINES, GIROD JACKSON, ROSALIND JONES, SAM JONES, KATZ,
KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LIGI, MILLS, MONICA,
PEARSON, PONTI, PUGH, RITCHIE, ROBIDEAUX, ROY, SCHRODER,
WILLMOTT, WOOTON, DIXON, JOHNSON, AND LOPINTO

AN ACT

To appropriate funds for Fiscal Year 2009-2010 to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; and otherwise to provide with respect to the appropriations and allocations herein made.

Be it enacted by the Legislature of Louisiana:

Section 1. The sum of Sixty-Eight Million Six Hundred Twenty-Eight Thousand Three Hundred Fifty-Nine and No/100 (\$68,628,359.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the state general fund, the sum of Nineteen Million Seven Hundred Fourteen Thousand One Hundred Sixty-Two and No/100 (\$19,714,162.00) Dollars is hereby appropriated out of self-generated funds to defray the expenses of the legislature, including the House of Representatives and the Senate, the staffs of the House of Representatives and of the Senate, the Legislative Auditor, the Legislative Fiscal Office, the Legislative Budgetary Control Council, and the Louisiana State Law Institute.

Section 2.A.(1) Out of the total amount herein appropriated from the state general fund, Forty-Seven Million Seven Hundred Forty-Nine Thousand Two Hundred Seventy-One and No/100 (\$47,749,271.00) Dollars is hereby allocated to provide the salary and allowances of members, officers, and staff of the House of Representatives, and the salary and allowances for the speaker of the House of Representatives and for expenses of his office, including reimbursement for actual expenses as presiding officer and for his service to or for the benefit of the House of Representatives, the legislature, the legislative branch

1 of government, or the state, as determined by the speaker, and to provide the salary and
2 allowances of members, officers, and staff of the Senate, and the salary and allowances for
3 the president of the Senate and for expenses of his office, including reimbursement for actual
4 expenses as presiding officer and for his service to or for the benefit of the Senate, the
5 legislature, the legislative branch of government, or the state, as determined by the president
6 of the Senate. These funds also shall be used to pay mileage and per diem of the members
7 of the legislature and mileage and per diem expenses of committees; salaries and/or expense
8 allowances of officers and employees of the legislature; costs of renovations, repairs, and
9 necessary additions to the House and/or Senate chambers and other legislative rooms; audio-
10 visual upgrades, technological enhancements, and technical support; printing the bills,
11 journals, and calendars; computer equipment and services; library services; provision of
12 accessibility services for persons with disabilities during sessions of the legislature and
13 during the interim; and for all other expenses of the legislature. In addition to the amounts
14 and limitations provided in R.S. 24:31.5, these funds shall also be used to provide an
15 additional two hundred seventy-five dollars per month to the total amount available to each
16 legislator for the salary of his legislative assistants, provided that one hundred fifty dollars
17 of the additional two hundred seventy-five dollars provided herein shall not be used pursuant
18 to R.S. 24:31.5(C) to determine the full-time status or eligibility for benefits for a legislative
19 assistant. These amounts shall be obtained and disbursed as hereinafter provided.

20 (2) Notwithstanding the provisions of R.S. 24:31.5, any legislative assistant
21 employed on or before December 1, 2007, may retain the salary they were earning on
22 December 1, 2007, through August 15, 2008.

23 B. Of the sum above allocated to the two houses of the legislature, Twenty-Eight
24 Million Three Hundred Eighty Thousand Two Hundred Thirty-Five and No/100
25 (\$28,380,235.00) Dollars is hereby set aside and allocated for the use of the House of
26 Representatives and Nineteen Million Three Hundred Sixty-Nine Thousand Thirty-Six and
27 No/100 (\$19,369,036.00) Dollars for the use of the Senate.

28 C. The presiding officer of each house shall warrant on the state treasurer in favor
29 of the House of Representatives or the Senate, as the case may be, for the allocation herein
30 provided, or for so much thereof as may be necessary. The aforesaid warrants shall be paid
31 out of the state general fund, and the state treasurer shall pay said warrants by preference

1 over all other warrants, except warrants for the salaries of constitutional officers of the state,
2 which shall be concurrent with the warrants provided for by this Act.

3 D.(1) The funds drawn as provided herein shall be deposited in the name of the
4 House of Representatives or the Senate, as the case may be, in an approved bank located in
5 this state selected by the presiding officer of each house. Payment of per diem and mileage,
6 salaries of the members, officers, and employees, and other expenses of the legislature shall
7 be made by individual check, payable to the person or firm entitled thereto, signed by the
8 presiding officer of the House of Representatives as to disbursements by the House, and as
9 to disbursements by the Senate, signed by the president of the Senate. Facsimile signatures
10 may be used; such payment also may be made by electronic funds transfer through the
11 automated clearing house and deposited into the account of the person or firm entitled to
12 such payment.

13 (2) Copies of legislative documents of the Senate and the House shall be provided
14 at fees according to policy and schedules adopted by the secretary of the Senate and clerk
15 of the House, jointly, and approved by the president of the Senate and the speaker of the
16 House, jointly. Funds derived from the sale of legislative documents of the Senate and the
17 House during the 2010 Regular Session shall be used to offset the cost of printing the
18 journals and calendars.

19 (3) The legislature is hereby expressly authorized to receive and expend any monies
20 received as a result of any grants or donations or other forms of assistance as provided for
21 in Article VII, Section 9(A)(1) of the Louisiana Constitution of 1974.

22 E. Any portion of the funds herein allocated to the two houses, any portion of the
23 funds previously appropriated or interest earnings on such appropriations and any self-
24 generated revenues that are not required for the expenses of the 2009 Regular Session of the
25 Legislature, including printing and all expenses in connection therewith, are hereby
26 appropriated and may be used to pay the mileage, per diem, expenses of committees, and any
27 other expenses of the legislature during the 2009-2010 Fiscal Year; however, all funds
28 remaining unexpended and/or unencumbered shall be returnable to the state general fund on
29 or before October 1, 2010.

30 Section 3.A. The sum of Nine Million Three Hundred Fourteen Thousand Eight
31 Hundred Twenty-Three and No/100 (\$9,314,823) Dollars is hereby allocated out of the total

1 appropriation from the state general fund made in Section 1 of this Act to the legislative
2 auditor, to pay the expenses of his office, including the salaries and expenses of his
3 employees, the costs of equipment, and all other expenses incurred by that office in
4 connection with the operation thereof during the 2009-2010 Fiscal Year.

5 B.(1) The sum of Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars
6 is hereby appropriated, payable from the state general fund, to establish an agency working
7 capital fund to be known as the Legislative Auditor Ancillary Enterprise Fund. Of the funds
8 available in the ancillary enterprise fund, the sum of Nineteen Million Seven Hundred
9 Fourteen Thousand One Hundred Sixty-Two and No/100 (\$19,714,162.00) Dollars is
10 authorized to be used by the legislative auditor, in addition to the amount allocated in
11 Section 3.A. hereof, to pay the expenses of his office, including the salaries and expenses
12 of his employees, the costs of equipment, and all other expenses incurred by that office in
13 connection with the operations thereof during the 2009-2010 Fiscal Year.

14 (2) The legislative auditor, in addition to the authority contained in R.S. 24:517.1,
15 shall be authorized to receive reimbursement of actual expenses of audits performed on
16 federally funded programs, both direct and indirect, and regulatory boards funded primarily
17 from fees and self-generated revenues and self-supported enterprise functions for the
18 purpose of generating revenue to pay expenses as provided in Section 3.B.(1) of this Act.
19 Reimbursement for audits performed on federally funded programs shall be limited to
20 reimbursement authorized by federal laws and regulations.

21 (3) Notwithstanding any provision of the law to the contrary, including the General
22 Appropriation Act, in addition to the authority contained in R.S. 24:517.1 and 517.3, the
23 legislative auditor is authorized to allocate and collect from each auditee included in the
24 state's Comprehensive Annual Financial Report, exclusive of those auditees audited by
25 independent certified public accountants, such amounts as may be reasonably necessary to
26 compensate the legislative auditor for services rendered and costs incurred in connection
27 with the audit of each auditee. In the collection of such amounts, the legislative auditor
28 shall, on or after the first day of July of each year, notify and warrant, without any other
29 approval, the state treasurer of the amount allocated to each auditee. The state treasurer,
30 upon receipt of said notice and warrant, shall transfer forthwith the amounts allocated to
31 each auditee from monies accruing or available to the auditee to the Legislative Auditor

1 Ancillary Enterprise Fund. Notwithstanding the foregoing, the sum of all amounts allocated
2 to all such auditees shall not exceed the amount appropriated to the legislative auditor from
3 the Legislative Auditor Ancillary Enterprise Fund in accordance with Section 3.B.(1) herein.

4 C. In the conduct of such functions all receipts of self-generated revenues shall be
5 deposited in the state treasury to the credit of the Legislative Auditor Ancillary Enterprise
6 Fund and disbursements made by the state treasurer to the extent of the amounts deposited
7 to the credit of such fund in accordance with provisions of law governing expenditures. All
8 monies from self-generated revenue of the legislative auditor's office shall be paid to the
9 Legislative Auditor Ancillary Enterprise Fund and shall be deemed to be available for
10 expenditure in the amount herein appropriated, and any increase in self-generated revenue
11 over the amount herein appropriated shall be available for expenditure by the legislative
12 auditor only on approval of the Legislative Budgetary Control Council. Any transfer of
13 excess funds from such category of expenditure to another shall be made only with the
14 approval of the Legislative Budgetary Control Council.

15 D. The legislative auditor shall warrant on the state treasurer for the monies
16 allocated by this Section, and the warrant shall be paid by the state treasurer out of the state
17 general fund. The funds so drawn shall be disbursed only in accordance with budgeted
18 amounts provided herein and such amendments as may be approved by the Legislative
19 Budgetary Control Council.

20 E. Any portion of the funds herein allocated, appropriated, or authorized for use by
21 the legislative auditor from the Legislative Auditor Ancillary Enterprise Fund and any funds
22 allocated, appropriated, or authorized for use by the legislative auditor from the Legislative
23 Auditor Ancillary Enterprise Fund pursuant to Act No. 69 of the 2008 Regular Session, are
24 hereby appropriated to the Legislative Auditor Ancillary Enterprise Fund and may be used
25 to pay the expenses of the legislative auditor, including the salaries and expenses of his
26 employees, the costs of equipment, and all other expenses incurred by that office in
27 connection with the operation thereof during the 2009-2010 Fiscal Year, subject to the
28 appropriation restrictions contained herein and such amendments as may be authorized by
29 the Legislative Budgetary Control Council; however, all funds remaining unexpended and/or
30 unencumbered shall be returnable to the state general fund on or before October 1, 2010.

1 Section 4.A. The sum of Two Million Three Hundred Eighty-One Thousand One
2 Hundred Thirteen and No/100 (\$2,381,113.00) Dollars is hereby allocated out of the total
3 appropriation from the state general fund made in Section 1 of this Act to the Joint
4 Legislative Committee on the Budget, to be used solely for the operations of the Legislative
5 Fiscal Office and in particular to pay the expenses thereof, including the salaries and
6 expenses of its employees, the cost of equipment, and all other expenses incurred by said
7 office in connection with the operation thereof during the 2009-2010 Fiscal Year. The
8 operations and functions of the Legislative Fiscal Office shall be under the direction and
9 supervision of the Joint Legislative Committee on the Budget. Any contracts for consultant
10 services shall be approved by the Legislative Budgetary Control Council and the Joint
11 Legislative Committee on the Budget.

12 B. The legislative fiscal officer shall warrant on the state treasurer for the allocation
13 provided by this Section, and the warrant shall be paid by the state treasurer out of the state
14 general fund. The funds so drawn shall be disbursed only in accordance with a budget
15 approved by the Joint Legislative Committee on the Budget and the Legislative Budgetary
16 Control Council.

17 C. Any portion of the funds herein allocated to the Legislative Fiscal Office, any
18 portion of the funds previously appropriated or interest earnings on such appropriations and
19 any self-generated revenues that are not required for the expenses of the 2009 Regular
20 Session of the Legislature, including printing and all expenses in connection therewith, are
21 hereby appropriated and may be used to pay expenses of the Legislative Fiscal Office during
22 the 2009-2010 Fiscal Year; however, all funds remaining unexpended and/or unencumbered
23 shall be returnable to the state general fund on or before October 1, 2010.

24 Section 5.A. The sum of One Million Thirty-Three Thousand Five Hundred Nine
25 and No/100 (\$1,033,509.00) Dollars is hereby allocated out of the total appropriation from
26 the state general fund made in Section 1 of this Act to the Louisiana State Law Institute, to
27 pay the expenses thereof, including the salaries and expenses of its employees, the cost of
28 equipment, and all other expenses incurred by said office in connection with the operation
29 thereof during the 2009-2010 Fiscal Year. All unexpended and/or unencumbered funds
30 remaining on October 1, 2010, shall be returnable to the state general fund.

1 B. The executive director of the Louisiana State Law Institute shall warrant on the
2 state treasurer for the allocation provided by this Section, and the warrant shall be paid by
3 the state treasurer out of the state general fund. The funds so drawn shall be disbursed only
4 in accordance with a budget approved by the Legislative Budgetary Control Council and
5 subject to the budgetary control of said council.

6 Section 6.A. The sum of Eight Million One Hundred Forty-Nine Thousand Six
7 Hundred Forty-Three and No/100 (\$8,149,643.00) Dollars is hereby allocated out of the total
8 appropriation from the state general fund made in Section 1 of this Act to the Legislative
9 Budgetary Control Council, to pay the expenses thereof, including salaries and expenses of
10 its employees, expenses of the Huey P. Long Memorial Law Library, the David R. Poynter
11 Legislative Research Library, contracts for professional services, mileage and per diem
12 expenses of the interim activities of joint legislative committees created by statute or by the
13 presiding officers of the Senate and the House of Representatives to which no specific
14 allocation of funds is made in this Act, as approved by the council or, jointly, by the co-
15 chairmen of the council, the cost of construction, maintenance, and renovations to the capitol
16 building, capitol annex building, pentagon courts, and arsenal building, and purchase,
17 maintenance, and repair of furniture and equipment, as jointly approved by the president of
18 the Senate and the speaker of the House of Representatives, the cost of equipment, dues to
19 legislative associations, to pay costs to maintain actuarial integrity of the state retirement
20 system affected by the inclusion of certain legislative employees, and all other expenses
21 incurred by said council in connection with the operation thereof during the 2009-2010
22 Fiscal Year.

23 B. The co-chairmen of the Legislative Budgetary Control Council, on their joint
24 signature, shall warrant on the state treasurer for the monies appropriated and allocated by
25 this Section, and the state treasurer shall pay their warrants by preference over all other
26 warrants, except warrants for the salaries of constitutional officers of the state, which shall
27 be concurrent with warrants provided for by this Act.

28 C. The funds drawn as provided herein shall be deposited in the name of the
29 Legislative Budgetary Control Council in an approved bank located in this state selected by
30 the presiding co-chairmen of the council. Payment of per diem and mileage, salaries of the
31 officers and employees, and other expenses of the Legislative Budgetary Control Council

1 shall be made by individual check, payable to the person or firm entitled thereto, signed by
 2 the presiding co-chairmen of the council. Facsimile signatures may be used.

3 D. Any portion of the funds herein allocated to the Legislative Budgetary Control
 4 Council and any portion of the funds previously appropriated or interest earnings on such
 5 appropriations that are not required for the 2008-2009 Fiscal Year expenses of the
 6 Legislative Budgetary Control Council as provided by Act No. 69 of the 2008 Regular
 7 Session are hereby appropriated and may be used to pay any expenses of the Legislative
 8 Budgetary Control Council during the 2009-2010 Fiscal Year; however, all funds remaining
 9 unexpended and/or unencumbered shall be returnable to the state general fund on or before
 10 October 1, 2010.

11 Section 7. This Act shall become effective on July 1, 2009; if vetoed by the governor
 12 and subsequently approved by the legislature, this Act shall become effective on July 1,
 13 2009, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____